IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MRS. JUSTICE K. HEMA

WEDNESDAY, THE 10TH JANUARY 2007 / 20TH PAUSHA 1928

Crl. Rev. Pet. No. 3616 of 2006

CRA.645/2004 of III ADDL. SESSIONS COURT (ADHOC), THRISSUR
ST.783/2001 of JUDL. MAGISTRATE OF FIRST CLASS COURT-II, THRISSUR

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REVN. PETITIONER/APPELLANT/ACCUSED

M. NANDAKUMAR, S/O. K.K. KAIMAL,
MOORKKANATT HOUSE,
KARUMATHARA P.O., ENGAKKAD (VIA),
THRISSUR DISTRICT.

BY ADV. SRI. P. VIJAYA BHANU
SRI. P. SANTHOSH (PODUVAL)

RESPONDENTS/ RESPONDENT/COMPLAINANT & STATE
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1. **M/S. SEVEN SEAL FINANCIERS,**
KOKKALA, THRISSUR, REPRESENTED BY THE
MANAGING PARTNER, T.P. JAISON, S/O. PAUL CHERUVATHUR,
THANDASSERY HOUSE, CHERPU,
THRISSUR.

2. **STATE OF KERALA, REPRESENTED BY**
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

R1 BY ADV. SRI. P.K. SAJEEV
R2 BY PUBLIC PROSECUTOR SRI. C. K. SURESH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 10/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K. HEMA, J.

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Crl.R.P. No.3616 of 2006

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Dated this the 10th day of January, 2007.

ORDER

Revision Petitioner is the accused in S.T. No. 783 of 2001 on the file of the Judicial Firsts Class Magistrate Court–II, Thrissur. First respondent is the complainant therein. Revision petitioner was convicted and sentenced by the Magistrate's Court to undergo simple imprisonment for a period of 3 months under section 138 of the Negotiable Instruments Act and also to pay Rs.50,000/- to the complainant as compensation. In appeal filed by him, the conviction and sentence were confirmed by the Addl. Sessions Court. This revision arises from the said conviction and sentence.

2. At the time of hearing, both sides submitted that a petition as Crl.M.A.No.121/2007 is filed for compounding the offence. It is also submitted by both sides that the matter is settled out of court amicably between the parties. On hearing both sides and on going through the averments in the petition, I am satisfied that this is a fit case to grant permission to compound the offence.

3. Learned counsel for the petitioner submitted that he may be

allowed to withdraw Rs.25,000/-, which is in deposit before the trial court. This request is not opposed. Hence, petitioner is allowed to withdraw the amount in deposit. The trial court is directed to release the amount to the petitioner.

In the result, the Revision Petitioner is acquitted of offence under section 138 of the Negotiable Instruments Act, as offence is compounded. He is set at liberty forthwith.

Crl. M.A.No.121/2007 and Revision Petition are allowed.

Krs. **K. HEMA, JUDGE.**